

REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1, 3, 4, 7, 9, 10, 13, 15, and 16 under 35 USC § 102 (b) as being anticipated by Dinwiddie (U.S. Patent No. 6,481,013). In addition, the Examiner rejected claims 13-16 under 35 USC § 112, first paragraph. The Examiner objected to claims 2 and 8 as being dependent upon a rejected base claim, but would be allowable if rewritten in dependent form including all of the limitations of the base claim and any intervening claims. These rejections and objections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-4, 7-10, and 13-16.

2. Claims 13-16 have been rejected under 35 USC § 112, first paragraph. In particular, the Examiner stated that, regarding claim 13, the first to sixth storage is not disclosed in the specification in such a way as to reasonably convey to one skilled in the art. The applicant respectfully disagrees.

As is claimed in the claim 13, the digital storage medium includes three storage means for storing operational instructions that are executed by the processing unit. As is shown in Figure 1, device 12 includes memory 34 and processor 32, where the memory is shown to include a USB-IR driver 33. The processor 32 executes the USB/IR driver 33 to recapture the original data from the IR formatted data. (page 6, lines 4 and 5) Clearly, the memory 34 is a digital storage medium and the processor is a processing unit. The applicant contends that one skilled in the art

readily knows how to program a driver into memory (i.e., partition the memory into addressable sections, where the addressable sections store subroutines of an algorithm (e.g., a driver)). As such, the description provided in the present patent application is sufficient and the 35 USC § 112, first paragraph, is unwarranted.

3. Claims 1, 3, 4, 7, 9, 10, 13, 15, and 16 have been rejected under 35 USC § 102 (b) as being anticipated by Dinwiddie. In particular, the Examiner state with respect to claim 1 that Dinwiddie teaches a method for recovering data that was transported utilizing multiple data transport protocols, the method comprises the steps of:

- receiving IR encoded and IR formatted data via an IR transmission path (col. 13, line 16);

- IR decoding the IR encoded and IR formatted data to recapture IR formatted data;

- packetizing the IR formatted data in accordance with USB data transport protocol to produce USB packets (col. 11, lines 27-32);

- transporting the USB packets via a USB port (e.g., the communication between the computer and the TV in figure 1);

- depacketizing the transported USB packets to recapture the IR formatted data (it is inherently understood that the USB packets have to be depacketized at the receiver);

- and decoding the IR formatted data in accordance with the IR data transport protocol (col. 12., lines 6 - 10).

The applicant respectfully disagrees with the Examiner's characterization of the presently claimed invention in view of the prior art cited. While the network of Dinwiddie uses two protocols, they are used

independently within the network dependent upon which elements are communicating. For instance, Dinwiddie teaches, at column 12, lines 16 - 20, the transaction sequencing between the microprocessor 134 and the user PC 45 is governed by the USB protocol while transaction sequencing through the network is governed by IrDA standard IrLAP protocol. Thus, communications between the PC and the microprocessor are done using the USB protocol. However, communications to and from the microprocessor to the network are done using the IrDA protocol. As such, the microprocessor 134 uses one protocol to communicate with the PC (e.g., the USB protocol) and another to communicate with the network (e.g., the IrDA protocol). In particular, Dinwiddie teaches that the microprocessor 134, through its USB connector 148 and cable 150, exchanges data in USB protocol with the PC 45, but removes the USB frame and sends the data out to the network in an IrLAP protocol.

In contrast, the method of claim 1 uses both protocols simultaneously to convey data. As claimed, the method begins by receiving infrared (IR) encoded and IR formatted data via an IR transmission path. Where, for example, the IR encoding indicates how light pulses will be sequenced to represent 1's and 0's in the IR transmission, while the IR formatting (e.g., IrDA, IrLAP) indicates how raw data is to be packetized. The processing continues by IR decoding the IR encoded and IR formatted data to recapture IR formatted data, wherein the IR formatted data includes IR transport identifying information. For example, the IR decoding may be done by the IR decoder 70 of Figure 2 to recapture digital information from the received light pulse sequences. (page 7, lines 14 - 15)

The processing continues by packetizing the IR formatted data in accordance with universal serial bus (USB) data transport protocol to produce USB packets. At this point in time, both the USB and IR protocols are simultaneously employed to convey data. This is not taught or suggested by Dinwiddie, which teaches using one or the other protocol for transmissions, not both at the same time.

The processing continues by transporting the USB packets via a USB port to produce transported USB packets. The processing continues by depacketizing the transported USB packets to recapture the IR formatted data. Next, the IR formatted data is decoded in accordance with an IR data transport protocol based on the IR identifying information to recover data. As such, the present method uses both → protocols simultaneously to transmit data, not one protocol or the other as taught by Dinwiddie. Thus, the simultaneous use of multiple protocols to transport data is not taught or suggested by Dinwiddie and therefore, claim 1 overcomes the present rejection.

Claims 3 and 4 are dependent upon claim 1, which has been shown to overcome the present rejection. The applicant believes that the same reasons that distinguish claim 1 over the cited prior art are applicable in distinguishing claims 3 and 4 over the same art.

Claims 7 and 13 include similar limitations to claim 1, which has been shown to overcome the present rejection. The applicant believes that the same reasons that

distinguish claim 1 over the cited prior art are applicable in distinguishing claims 7 and 13 over the same art.


Claims 9 and 10 are dependent upon claim 7, which has been shown to overcome the present rejection. The applicant believes that the same reasons that distinguish claim 1 over the cited prior art are applicable in distinguishing claims 9 and 10 over the same art.

Claims 14 - 16 are dependent upon claim 13, which has been shown to overcome the present rejection. The applicant believes that the same reasons that distinguish claim 1 over the cited prior art are applicable in distinguishing claims 14 - 16 over the same art.

For the foregoing reasons, the applicant believes that claims 1-4, 7-10, and 13-16 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,


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